

tuted for ground barley feed; and, Section 402 (b) (4), weed seeds, weed seed coats, and other material not barley had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, ground barley feed.

**DISPOSITION:** July 1, 1947. The Big Four Elevator, North Manchester, Ind., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered to be delivered to the Great Lakes Duck Farm, La Porte, Ind., to be fed to swine.

### FISH AND SHELLFISH

**12311. Adulteration of dried fish. U. S. v. 87 Cartons \* \* \*. (F. D. C. No. 23025. Sample No. 70742-H.)**

**LIBEL FILED:** May 9, 1947, Southern District of California.

**ALLEGED SHIPMENT:** On or about March 12, 1947, by Hawaii Grocers, from Hilo, T. H.

**PRODUCT:** 87 30-pound cartons of dried fish at Wilmington, Calif. Examination showed that the article contained insects and rodent excreta.

**LABEL, IN PART:** "Hoshi Brand Extra Fancy Eastern Iriko."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** May 28, 1947. Wilbur-Ellis Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be manufactured into fish fertilizer, under the supervision of the Federal Security Agency.

**12312. Adulteration of frozen bluefish. U. S. v. 1,363 Pounds \* \* \*. (F. D. C. No. 23500. Sample Nos. 91107-H, 91111-H, 91113-H.)**

**LIBEL FILED:** July 16, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 23 and 25, 1947, by the Raffield Fish Market, from Panama City, Fla.

**PRODUCT:** 1,363 pounds of frozen bluefish at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 27, 1947. Default decree of condemnation and destruction.

**12313. Adulteration of frozen buffalo fish. U. S. v. 1,796 Pounds \* \* \*. (F. D. C. No. 23552. Sample Nos. 91114-H, 91117-H.)**

**LIBEL FILED:** August 6, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 8, 9, and 10, 1947, by M. L. Banxton and J. E. Harris, Voth, Tex.; Clement Thrasher, Eden, and Fred White, Foxworth, Miss.; Bastrop Fish Co., Bastrop, H. B. Barfield, Newellton, and E. Custon, Lake Providence, La.; Milo Barrington, R. L. Brown, and J. Miller, Lake Village, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 4, 1947. Default decree of condemnation and destruction.

**12314. Adulteration and misbranding of frozen haddock. U. S. v. 70 Cartons \* \* \*. (F. D. C. No. 23169. Sample No. 74585-H.)**

**LIBEL FILED:** June 5, 1947, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about March 5 and April 2, 1947, by the Neptune Packing Co., from Atlantic City, N. J.

**PRODUCT:** 70 1-pound cartons of frozen haddock at Worcester, Mass. Examination showed that the product was hake and that it contained a chemical preservative, benzoic acid.

**LABEL, IN PART:** "Neptuna Fillet Haddock," or "Neptuna Brand Haddock Fillets Quick-Frozen."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), hake fillets had been substituted for haddock fillets.

Misbranding, Section 403 (a), the label designation "Haddock" was false and misleading as applied to hake fillets; and, Section 403 (k), the article contained benzoic acid, a chemical preservative, and it failed to bear labeling stating that fact.

**DISPOSITION:** July 15, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

**12315. Adulteration of herring in brine. U. S. v. 65 Barrels \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 23051, 23148. Sample Nos. 69948-H, 87701-H.)

**LIBELS FILED:** May 26 and 28, 1947, Southern District of New York and Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about April 19, 1947, by Harris Cove Packing Co., from Eastport, Maine.

**PRODUCT:** Herring in brine. 65 400-pound barrels at Chicago, Ill., and 2 300-pound barrels, 41 400-pound barrels, and 73 220-pound barrels at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** June 14 and September 12, 1947. Default decrees of condemnation and destruction.

**12316. Adulteration of canned sardines. U. S. v. 399 Cases \* \* \* (and 5 other seizure actions).** (F. D. C. Nos. 22940 to 22942, incl., 23009, 23129, 23130. Sample Nos. 1998-H, 50569-H, 55026-H.)

**LIBELS FILED:** April 21 and 29 and May 21, 1947, Eastern District of South Carolina and Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about March 5 and 15, 1947, by the Stinson Canning Co., from Waukeag, Maine.

**PRODUCT:** 849 cases of sardines at Charleston, S. C., and 21 cases of sardines at Baton Rouge, La. Each case contained 100 3¼-ounce cans.

**LABEL, IN PART:** (Can) "Beach Cliff Brand \* \* \* Maine Sardines."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** October 11 and 30, 1947. The Stinson Canning Co., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**12317. Adulteration of canned sardines. U. S. v. 20 Cases, etc.** (F. D. C. No. 23108. Sample No. 54389-H.)

**LIBEL FILED:** May 13, 1947, Middle District of North Carolina.

**ALLEGED SHIPMENT:** On or about March 25, 1947, by Charles R. Allen, Inc., from Charleston, S. C.

**PRODUCT:** 27 cases, each containing 100 3¼-ounce cans, of sardines at Lexington, N. C.

**LABEL, IN PART:** "Billow Brand American Sardines \* \* \* Packed by Addison Packing Co. Southwest Harbor, Maine" and "Beach Cliff Brand Maine Sardines \* \* \* Packed by Stinson Canning Company Prospect Harbor, Maine."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** September 2, 1947. The Addison Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.